



Wishneff
37209-101705

**ROANOKE CITY COUNCIL
REGULAR SESSION**

**OCTOBER 17, 2005
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

- 1. Call to Order--Roll Call. (Council Members Cutler and McDaniel were absent.)**

The Invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Today's Council meeting will be replayed on Channel 3 on Thursday, October 20, 2005, at 7:00 p.m., and Saturday, October 22, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Proclamation declaring October 23 - 29, 2005 as Childhood Lead Poisoning Prevention Week.

File #3

3.

CONSENT AGENDA
Approved (5-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Tuesday, September 6, 2005.
RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.
- C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.
RECOMMENDED ACTION: Concur in the request.
File #132
- C-3 A communication from Monica S. Jones tendering her resignation as a member of the Roanoke Civic Center Commission.
RECOMMENDED ACTION: Accept the resignation and receive and file the communication.
File #110-192
- C-4 A communication from Rich McGimsey tendering his resignation as a member of the Fair Housing Board.
RECOMMENDED ACTION: Accept the resignation and receive and file the communication.
File #110-178
- C-5 Annual Report of the Board of Equalization for the Taxable Year July 1, 2005 to June 30, 2006.
RECOMMENDED ACTION: Receive and file.
File #79-162

- C-6 A communication from the City Attorney requesting that Council convene in a Closed Meeting for consultation with legal counsel regarding actual litigation where such consultation in open session would adversely affect the City's negotiating or litigating posture, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #132

- C-7 Qualification of the following persons:

Alison S. Blanton as a member of the Architectural Review Board, for a term ending October 1, 2009;

Talfourd H. Kemper, Jr., as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2007; and

Julian H. Raney, Jr., as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2008.

RECOMMENDED ACTION: Receive and file.
File #15-67-110-242-249

- C-8 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss nominations for Citizen of the Year, pursuant to Section 2.2-3711(A)(10), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #132-496

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Recommendation from the Commonwealth's Attorney for appropriation of Forfeited Criminal Assets funds to continue criminal law enforcement efforts; and a communication from the City Manager concurring in the recommendation.

Adopted Budget Ordinance No. 37210-101705. (5-0)
File #5-60-76

- b. Approval of issuance of not to exceed \$450 million in Industrial Development Authority Virginia Hospital Revenue Bonds for Carilion Health System Obligated Group for various construction projects. Harwell M. Darby, Jr., Attorney, Spokesperson. (Sponsored by the City Manager.)

Adopted Resolution No. 37211-101705. (5-0)
File #53-221

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Runaway and Homeless Youth Program Grant funds from the United States Department of Health and Human Services; and appropriation of funds.
Adopted Budget Ordinance No. 37212-101705 and Resolution No. 37213-101705. (5-0)
File #60-304
2. Adoption of the Regional Pre-Disaster Mitigation Plan for the Roanoke Valley-Alleghany Region.
Adopted Resolution No. 37214-101705. (5-0)
File #188-326
3. Adoption of a criteria for funding non-profit organizations.
Adopted Resolution No. 37215-101705. (5-0)
File #60-556
4. Amendment of the City Code to provide for the practice of veteran's preference in compliance with State law with regard to personnel decisions.
Adopted Ordinance No. 37216-101705. (5-0)
File #24-184-197

5. Endorsement of Alternative 3, the Transportation System Management (TSM) alternative, in connection with extension of Wonju Street between Colonial Avenue and Brandon Avenue, S. W.

Adopted Resolution No. 37217-101705. (5-0)
File #20-77-316-514

6. Appropriation of funds for the purchase of Country Side Golf Course and management lease.

Adopted Budget Ordinance No. 37218-101705 and Ordinance No. 37219-101705. (5-0)
File #2-60

b. CITY ATTORNEY:

1. Adoption of an Ordinance repealing Ordinance No. 37157-081505, adopted August 15, 2005, in connection with amending proffered conditions binding upon a 2.615-acre parcel of land located at 3361 Melrose Avenue, N. W., owned by Roanoke Investments Associated, Inc., correcting the date of the filing of the Second Amended Petition, and adopting proffered conditions filed on that date.

Adopted Ordinance No. 37220-101705. (5-0)
File #51

c. DIRECTOR OF FINANCE:

1. Adoption of an Ordinance implementing 2004-2005 changes to the Personal Property Tax Relief Act.

Adopted Ordinance No. 37221-101705. (5-0)
File #79

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.
Adopted Budget Ordinance No. 37222-101705. (5-0)
File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.

Council Member Lea advised that the first meeting of the Domestic Violence Planning Committee was held on September 30 and a Community Forum will be held on November 29, 2005 from 6:00 p.m. to 8:00 p.m., at the Roanoke Civic Center to educate the public on available services and to further enhance an understanding of issues affecting victims of domestic violence.
File #5

Council Member Wishneff expressed disappointment with national news coverage regarding riots that erupted in Toledo, Ohio, over a planned march by a white supremacist group whose spokesperson was identified as William White, a resident of Roanoke, Virginia. He stated that he is of Jewish descent and has lived in the Roanoke Valley for over

20 years and would like for the public to know that the behavior exhibited by the group is not representative of the citizens of the Roanoke area. He volunteered to participate in a discussion group to review actions, if any, that could be taken by the City to address the issue.

File #5-11-227

The Mayor shared Mr. Wishneff's sentiments and advised that legally the Council can only respond to incidents that occur in the Roanoke community. He added that he has been contacted by national news media and has stated that the actions of Mr. White are not reflective of the City of Roanoke.

Council Member Dowe concurred in the remarks of Mr. Wishneff and Mayor Harris. He stated that for the safety of citizens who attend City Council meetings, City staff and Members of Council, he would be in favor of providing security in the City Council Chamber, beginning as early as the 7:00 p.m., Council session this evening.

File #5-11-132

Council Member Dowe advised that the Discovery Shop, which benefits the American Cancer Society by selling gently used clothing, celebrated its 10th Anniversary on Wednesday, October 12; and Total Action Against Poverty celebrated its 40th anniversary at a luncheon which was held earlier in the day. He congratulated both organizations on their anniversary celebrations.

File #80-226

Vice-Mayor Fitzpatrick expressed appreciation to Council Member Wishneff for his remarks and advised that many citizens have not suffered in the same way as the African-American and Jewish populations. He expressed concern that the name of the Roanoke community was used in a

**repugnant manner and suggested that a communication under the signature of the Mayor of the City of Roanoke be forwarded to the Mayor of the City of Toledo, Ohio, advising the citizens of Toledo that Mr. William White does not represent the City of Roanoke.
File #5-11-132-227**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.**

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Daniel Hale, President, advised that at the September General Membership Meeting, the Roanoke Branch, NAACP, voted unanimously to support the Henry Street Development Project proposed by the Roanoke Neighborhood Development Corporation, relative to a proposal for development of Henry Street that would include the Social Security Administration office.

File #434-511

Mr. Shaheed Omar, 1219 Loudon Avenue, N. W., presented proposed revisions to the Police Department's Citizen Complaint Process.

File #5-66

Council Member Lea requested information with regard to composition of the Citizen Review Board.

File #5-66

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to actions that are taken behind closed doors that are administered unfairly and without respect or compassion for City

employees and/or the citizens of Roanoke. She asked that Council serve as an example of how collective individual traits of strong moral character, exhibited by responsibility, respect, caring, trustworthiness, fairness and citizenship can be applied to a municipality.

File #132

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to renovation and promotion of Victory Stadium.

File #122

Mr. Robert Gravely, 727 29th Street, N. W., advised that wages paid to City employees have not kept up with wages paid to State employees; with current wages, the average City employee cannot afford to purchase a home; and the use of taxpayers' money for businesses and/or projects that are of little value to the average citizen.

File #66-79-184

12. CITY MANAGER COMMENTS:

The City Manager advised that the City of Roanoke has rendered assistance to a community in the State of Louisiana that was affected by Hurricane Rita through deployment of six firefighters. In addition to providing certain strategic planning and over sight at a fire station, Roanoke's firefighters received a call that a truck was on fire and when arriving at the scene of the fire, it was discovered that the truck was owned by a Roanoke electrical company that was in the area to help restore electricity. She stated that responding to a fire call involving a Roanoke truck in Johnsons Bayou, Louisiana, indicates that it is indeed a small world that we live in.

File #70

**Oh behalf of the City of Roanoke, the City Manager advised that she accepted an award at a recent conference of the International City Management Association for populations of 50,000 and over under the category of Innovations in Local Government Management in recognition of Roanoke's program on "Managing the Rising Cost of Health Care".
File #80-104**

**The City Manager advised that October 17 was a "red letter" day for the City of Roanoke. She called attention to the ground breaking for the Colonial Green project which will include 230 housing units and is the first time that City land has been made available in order to facilitate more housing in the community. Additionally, she pointed out that earlier in the meeting, Council approved purchase of the Countryside Golf Course property which is another example of looking long term to the future and the need for the City to continue to identify ways to enhance, grow and sustain the community.
File #2-178**

CERTIFICATION OF CLOSED SESSION. (5-0)

**R. Brian Townsend, Director of Planning, Building and Economic Development, was appointed as a member of Virginia's First Regional Industrial Facility Authority, for a term ending June 30, 2006.
File #207-526**

**Adopted Resolution No. 37223-101705. (5-0)
File #392**

THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.



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CITY COUNCIL CHAMBER

AGENDA

**Call to Order -- Roll Call. (Council Members Cutler and McDaniel
were absent.)**

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The Pledge of Allegiance to the Flag of the United States of America was led
by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

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October 20, 2005, at 7:00 p.m., and Saturday, October 22, 2005, at
4:00 p.m. Council meetings are offered with closed captioning for the
hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution memorializing the late F. Wiley Hubbell, a long-time resident of the City of Roanoke and 1996 Citizen of the Year.

Adopted Resolution No. 37209-101705. (5-0)

File #367-429-496

B. PUBLIC HEARINGS:

1. Proposal of the City of Roanoke to amend Vision 2001-2020, the City's Comprehensive Plan, to include the Peters Creek South Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

Adopted Ordinance No. 37224-101705. (5-0)

File #200-424

2. Conveyance of an easement across City-owned property located on Luck Avenue, S. W., the site of the Commonwealth Building, to Roanoke Gas Company for installation of a new regulator station. Darlene L. Burcham, City Manager.

Adopted Ordinance No. 37225-101705. (5-0)

File #28-458

3. Consideration of previously received applications for Federal funds made available through the Department of Transportation for transportation enhancement projects in Fiscal Year 2005-2006. Darlene L. Burcham, City Manager.

Adopted Resolution Nos. 37226-101705 and 37227-101705. (5-0)

File #77-192-379

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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The following persons addressed Council in support of constructing a stadium at William Fleming and Patrick Henry High Schools:

**Mr. Ivan Moore, 2219 Carter Road, S. W.
Ms. Trisha Edwards, 3045 Poplar Lane, S. W.
Ms. Barbara Colonna, 2318 Laburnum Avenue, S. W.
Ms. Mary Ellen Langan, 2515 Belford Street, S. W.
Ms. Brenda Foster, 3726 Heatherton Road, S. W.
Mr. John Phelps, 2915 Canterbury Road, S. W.
Mr. Jay Foster, 3726 Heatherton Road, S. W.
File #122**

**William D. Bestpitch, Executive Director, Big Brothers Big Sisters of Southwest Virginia, addressed certain concerns regarding the criteria adopted by Council at the 2:00 p.m. session with regard to funding non-profit organizations.
File #165-556**

**Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to the renovation and promotion of Victory Stadium.
File #122**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke with regard to income limits for freezing real estate taxes for elderly and disabled homeowners; the need for the City to get its fiscal house in order; the renovation of Victory Stadium in lieu of constructing stadia at the two high schools; endorsement of George McMillan as City Sheriff; and the need for revisions to the City's sign ordinance as a component of the new zoning ordinance.
File #51-121-122-132**